



Veronica Cosme

From: Veronica Cosme
Sent: Friday, February 12, 2021 3:01 PM
To: 'Brad J. Sadek, Esquire'
Subject: 19-12649 / Fisher / Notice of Default
Attachments: 19-12649 - Notice of Default.pdf

Good Afternoon,

Please find attached a Notice of Default regarding the above referenced bankruptcy matter.

Veronica Cosme, Legal Assistant

Powers Kirn, LLC
Eight Neshaminy Interplex
Suite 215
Trevoise, PA 19053
Email: veronica.cosme@powerskirn.com
Phone: 215-942-2090

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POWERS KIRN, LLC

18-1464

2/12/2021

BRAD J. SADEK
Sadek and Cooper
1315 Walnut Street
Suite 502
Philadelphia, PA 19107

RE: CITIMORTGAGE, INC., C/O CENLAR, FSB vs.
Bobby L. Fisher;
Chapter 13; BK#: 19-12649 MDC
Type of Action: Notice of Default

Dear Sir or Madam:

The enclosed stipulation executed by the parties in the above referenced matter requires the Debtors to remain current on the monthly post petition mortgage payments. However, as of the date of this letter, CITIMORTGAGE, INC., C/O CENLAR, FSB has not received following payments:

| | |
|--|-------------------|
| Regular Payments: 12/2020 @ \$1,854.55, 01/01/2020-02/01/2021 @ \$1,773.16 | \$5,400.87 |
| Attorney Fees for this Notice of Default: | \$100.00 |
| Less Debtor Suspense | (\$1,773.16) |
| TOTAL | \$3,727.71 |

Therefore, the Debtors are currently in default of the agreed stipulation. The amount needed to cure the default is **\$3,727.71***. This payment must be made in certified funds.

In accordance with said stipulation, this shall serve as fifteen (15) days written notice of default. If the default is not cured within fifteen (15) days of the date of this letter **March 1, 2021**, then my client may certify said default to the Court and an Order will be entered granting Relief from the Automatic Stay.

****Please note – An additional \$1,773.16 will come due on 03/01/2021.**

If you should have any questions, please contact my office.

Very truly yours,

/s/ Sarah K. McCaffery
Sarah K. McCaffery, Esquire

Payments should be sent to:

Cenlar, FSB,
Attn: Bankruptcy Department
425 Phillips Boulevard
Ewing, NJ 08618

* Acceptance of partial payments will not constitute a waiver of Movant rights to pursue the default in the event the partial payments are not enough to cure the entire default.

SKM/vc

encl.

cc: Bobby L. Fisher
1418 Milton Street
Bristol, PA 19007

POWERS KIRN, LLC
 By: Jill Manuel-Coughlin, Esquire
 ID# 65252
 8 Neshaminy Interplex, Suite 215
 Trevoise, PA 19053
 Telephone: 215-942-2090
 Attorney for Movant/ 18-1464

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | |
|---|---|
| IN RE: Bobby L. Fisher <div style="text-align: right;">Debtor</div> <hr/> CITIMORTGAGE, INC., C/O CENLAR, FSB <div style="text-align: right;">Movant</div> <div style="text-align: center;">v.</div> Bobby L. Fisher and William C. Miller, Esquire <div style="text-align: right;">Respondents</div> | Chapter 13 Proceeding 19-12649 MDC |
|---|---|

**STIPULATION IN SETTLEMENT OF
 MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

WHEREAS, the parties hereto and their respective counsel, have agreed as to the disposition of the Motion for Relief from the Automatic Stay filed by Jill Manuel-Coughlin, Esquire on behalf of secured creditor, CITIMORTGAGE, INC., C/O CENLAR, FSB ("Movant").

NOW, THEREFORE, intending to be legally bound, the parties hereto, herewith stipulate as follows:

1. The Automatic Stay as provided by Section 362 of the Bankruptcy Code shall remain in full force and effect conditioned upon the terms and conditions set forth herein.
2. This Stipulation pertains to the property located at 1418 Milton Street, Bristol, PA 19007, mortgage account ending with 2220.
3. Upon approval by the United States Bankruptcy Court of the within Stipulation, Debtor and Movant, agree to the following:

(a) Parties acknowledge that the current regular post-petition payment is **\$1,854.55**.

(b) Parties acknowledge that the following amounts are currently due post-petition:

| | |
|---|--------------------|
| Monthly Payments: 12/1/2019 – 3/1/2020 @ \$1,654.92 | \$14,037.88 |
| 4/1/2020 – 7/1/2020 @ \$1,854.55 | |
| Less Debtor Suspense: | (\$1,551.98) |
| Total Post-Petition Arrearage: | \$12,485.90 |

(c) Commencing with the 8/1/2020 payment the Debtor shall resume and shall continue to make all regular monthly post-petition payments when they are due in accordance with the terms of the Note & Mortgage.

(d) On or before 8/16/2020, Debtor shall make a down-payment to Movant in the amount of **\$3,309.84**. This payment shall be applied to the post-petition arrears as shown in paragraph 3 (b) above.

- (e) Debtor agrees to Amend the Chapter 13 Plan to include the aforementioned post-petition delinquency in the amount of **\$9,176.06**, representing all arrearages due through 7/16/2020. Debtor agrees to amend the Chapter 13 Plan within thirty (30) days of the filing of this Stipulation. The parties agree that Movant may file a Notice of Post-Petition Fees, Charges and Expenses as a supplement to the filed Proof of Claim for the above-stated amount and that same shall be deemed approved upon entry of the Order approving this Stipulation.
- (f) If sufficient proof is provided (front and back copies of checks or money orders) of payments made, but not credited, the account will be adjusted accordingly.
- (g) All post-petition payments from Debtor to Movant shall be sent to Cenlar, FSB, Attn: Bankruptcy Department, 425 Phillips Boulevard, Ewing, NJ 08618.
- (h) The provisions of the Stipulation do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this Stipulation, including fees and costs, due under the terms of the contract and applicable law. Also, all allowed fees and costs due to Movant as stated on any Post-Petition Fee Notices filed with the court shall be paid prior to the entry of a Discharge Order.
- (i) The Debtor shall timely tender all payments and comply with all conditions in accordance with this Stipulation. If such payments or conditions are not timely made, or if the case should convert to a Chapter 7 Bankruptcy, Movant may provide the Debtor and their counsel with fifteen (15) days written notice of default. If the default is not cured within the fifteen (15) day period, Movant may certify the default to this Court and an Order shall be entered granting Movant relief from the automatic stay without further notice and hearing and waiving FED. R. Bankr. P. 3002.1 and waiving Rule 4001 (a)(3) so that the Relief Order is immediately effective and enforceable.
- (j) The parties agree that a facsimile may be submitted to the Court as if it were an original.

STIPULATED AND AGREED TO BY:

/s/ Brad J. Sadek, Esquire

Brad J. Sadek, Esquire
Attorney for Debtor

Date:

No Objection/ Without Prejudice to Any Trustee Rights or Remedies

/s/ LeeAne O. Huggins 7/23/2020

William C. Miller, Esquire

Trustee

Date:

/s/ Jill Manuel-Coughlin, Esquire

Jill Manuel-Coughlin, Esquire
Attorney for Movant

Date:

On this 27th day of July, 2020, approved by the Court.



Magdeline D. Coleman
Chief U.S. Bankruptcy Judge

POWERSKIRN
COUNSELORS AT LAW

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8 Neshaminy Interplex
Suite 215
Trevose, PA 19053



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